



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Department of Social Services
VAC Chapter Number:	22 VAC 40-160
Regulation Title:	Fee Requirements for Processing Applications
Action Title:	Periodic Review
Date:	June 20, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

This regulation establishes procedures for collecting annual licensing fees. It specifies minimum and maximum fees and gradations based on the licensed capacity of the facility or agency. The fees collected are used for the development and delivery of training for operators and staff of assisted living facilities, adult day care centers and child welfare agencies.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

The state source of legal authority for the regulation is the Code of Virginia, §§ 63.1-174.01, 63.1-194.3, and 63.1-196.5. The State Board of Social Services is authorized to promulgate regulations and schedules for fees to be charged for processing applications. The authority is mandatory. The regulation does not exceed the minimum requirements of the state mandate.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No comments were received as a result of the Notice of Periodic Review published in the Virginia Register. An informal advisory group was not formed for purposes of assisting in the periodic review; however, a special notice of the comment period was sent to all licensed facilities.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

The regulation is intended to establish standards and schedules for collecting fees for processing licensing applications. The fees are to be used for training staff and employees of assisted living facilities, adult day care centers, and child welfare agencies. The regulation's effectiveness is measured through the maintenance of annual records that show the amount of fees collected, the number of training sessions conducted, and the number of individuals trained.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

There is no alternative because the Code of Virginia mandates the State Board of Social Services to establish regulations and schedules for fees to be charged for processing licensing applications.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

The agency is recommending that the regulation stay in effect without change.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

The regulation should have a positive impact on families of children and adults who are provided care in licensed facilities. The collection of fees results in training for staff of these facilities, which should enhance the care provided.